



MEMORANDUM

TO: Beverly R. Cameron, City Manager
FROM: Raymond P. Ocel, Jr., Director of Planning and Community Development
DATE: September 11, 2012 [*Update September 18, 2012*]
SUBJECT: RZ 2011-02: Rezoning of Properties-Train Station Area

SEPTEMBER 11TH ADDENDUM:

This is a proposal to amend the zoning map to rezone 307, 309, 311 and 313 Charles Street from R-8 to C-D, Commercial Downtown and properties included in the previous City initiated rezoning that included, among other properties located around the train station, property addressed as 306-312 Frederick Street (Coffee Warehouse). The Charles Street and Frederick Street properties are owned by the same family. This rezoning request excludes the three City owned properties adjacent to the train station. (Attachment 1 and 2).

Members of the public previously addressed City Council and expressed concerns that rezoning properties around the train station would create out of scale development in the area. While the proposal is to rezone properties from C-T and R-8 to C-D, the Railroad Station Overlay District (RSO) is proposed to be amended to manage the scale of future development in a separate action.

Attachment #3 is a matrix developed to compare the bulk regulations in the C-D, R-8 and RSO districts. Note that any development on the properties to be rezoned C-D, will be required to have a 15' side yard setback and a 25' rear yard setback to adjacent residential properties which is a greater distance than if the properties were not included in the RSO. The RSO will require the properties to be rezoned to meet setbacks equal to or greater than what is required under the current R-8 zoning. This distance is in addition to any current building setbacks on adjacent properties.

Reducing the maximum height in the RSO from 50' to 40' will help insure that any future development be more in scale with the surrounding residential area. Some additional height off set is provided due to the change in grade (higher) as the grade in this area is higher going away (south) from the train station.

Attachment #4 is a matrix developed to compare the development potential of several properties included in the rezoning. Mr. Solley requested that staff compare the development potential of several properties under the existing and proposed zoning designations.

Additionally, the area under consideration is within the historic district, therefore, any development/re-development will be required to be reviewed and approved by the ARB. As part of the ARB review, the Board reviews the mass and scale of buildings to insure the structures' relatedness to existing historic district structures and characteristics.

In addition to these bulk regulations and overlay district regulations, future development and re-development will be required to provide parking to accommodate new development. This too, will limit the amount of development on a property.

Based upon this information and the other information provided below, it is staff's opinion that while the proposed amendment will likely generate redevelopment in the future for residential and non-residential uses, future development will be in scale with existing development.

STAFF RECOMMENDATION:

Staff recommends approval of the rezoning on second reading of the ordinance prepared by the City Attorney.

PLANNING COMMISSION RECOMMENDATION:

At its August 8th public hearing, the Commission, but a vote of 4-0, recommended approval of the rezoning request.

Three members of the public spoke during the meeting and their comments are included in the Planning Commission minutes.

JUNE 12TH ADDENDUM:

At the May 25th work session, Council directed staff to bring a revised ordinance amendment forward in order to expand the Commercial-Downtown zoning district to the small area directly north of the downtown and the industrially zoned land located to the southwest of the downtown. Council voted to rezone these two areas to C-D.

THE FOLLOWING IS THE ORIGINAL STAFF MEMO PRESENTED IN FEBRUARY

ISSUE:

This is a City initiated proposal to amend the zoning map to rezone a portion of a block of Caroline Street between Amelia Street and Lewis street and the area bounded by Lafayette Boulevard, the Rappahannock River, Frederick Street, Jackson Street and Kenmore Avenue.

STAFF RECOMMENDATION:

Staff recommends that the City Council approve the rezoning.

PLANNING COMMISSION RECOMMENDATION:

At its January 11, 2012 meeting, the Planning Commission voted 5-0, with one abstention, to recommend approval of the rezoning request, excluding the three City owned properties adjacent to the train station.

At the December 14th public hearing, Commission members heard from 12 members of the public who spoke in regard to this rezoning proposal. Comments from each of the speakers are recorded in the meeting minutes and reflect a strong desire by members of the public to wait to rezone the three City owned properties adjacent to the train station until such time as a development proposal is presented and can be evaluated.

BACKGROUND:

This is a City initiated proposal to amend the zoning map to rezone a portion of a block of Caroline Street between Amelia Street and Lewis Street and the area bounded by Lafayette Boulevard, the Rappahannock River, Frederick Street, Jackson Street and Kenmore Avenue from Commercial Office/Transitional (C-T), Residential, (R-8) and Light Intensity Industrial (I-1) to Commercial Downtown (C-D) (See attachment maps) Properties bounded by the CSX railroad tracks, Frederick Street, the Rappahannock River and Charles Street are included in the Railroad Station Overlay District. This overlay district was established to facilitate development, redevelopment, and street geometry patterns that are consistent and compatible with each other and with existing development within this four block area.

The Comprehensive Plan, the Downtown/Princess Anne Street Tourism Zone, and the Jumpstart Plan encourage investment in tourism and technology related businesses, as well as the visual and performing arts in the downtown area. The subject properties are zoned C-T, R-8, and I-1 and the zoning designation of these properties are proposed to be amended to insure conformity with the goals and policies of the Comprehensive Plan, the Jumpstart Plan, the Arts and Cultural District as well as the Tourism Zone ordinances. The C-D zoning designation is a more appropriate zoning to accomplish these goals and policies, than the current C-T, R-8, and I-1.

The Arts and Cultural District (See attachment 5) was established to implement both the Comprehensive Plan and the Jumpstart Plan as these documents list “active arts community” as a current strength of the Downtown Commercial District. Chapter 3 of the Comprehensive Plan recites the value of the downtown as the center for local arts and as an evening venue for entertainment, and identifies the active arts community as one of the many strengths of the Downtown Commercial District.

A vibrant arts and cultural community contributes to the life and character of the City, and the economic, social, educational, and intellectual impacts of public and private investment in the arts are well documented. The Virginia General Assembly has authorized localities to establish an arts and cultural district for the purpose of increasing awareness and support for the arts and culture in the locality, and to provide incentives for the support and creation of arts and cultural venues in the district.

The purpose of the arts and cultural district is to attract new arts and cultural venues, support existing arts and cultural venues, and to encourage the expansion of existing venues in the downtown area. These new, existing, and expanded venues will increase the City's reputation and market presence as a regional destination for arts and cultural activities, as well as the opportunities and benefits to City residents of arts and cultural offerings.

The creation of tourism zones (See attachment 6) was also implemented to attract new investment in the City. State law authorizes the City to adopt tourism zones, in which economic incentives and regulatory flexibility are offered to targeted businesses. The purpose of the zones is to attract business investment and job creation. The Jumpstart final report encourages the City to attract development and new businesses through economic incentive and other strategies that create a more business friendly environment.

ANALYSIS:

In determining whether to adopt a zoning map amendment, the Planning Commission and the City Council shall only approve those amendments that are:

- 1. Required by public necessity, convenience, general welfare, or good zoning practice;**

The intent section of the C-D district states that the district is established to promote harmonious development, redevelopment and rehabilitation of uses in the commercial area of the Old and Historic Fredericksburg District. The regulations of this district are intended to implement the goals of the Comprehensive Plan for historic district development while encouraging mixed uses in the downtown area. The emphasis in site planning is to be placed upon enhancing pedestrian circulation, minimizing vehicular and pedestrian access conflicts among uses, respecting geometry of the downtown streetscape, and maintaining continuity with the architectural precedents of the historic area.

The corresponding uses permitted by right and by special use permit contribute towards meeting the intent of the district. A companion Zoning Ordinance Text Amendment proposes to add several uses to this district, including making an arts center a use by right as opposed to a special use permit. The uses are proposed to be permitted by right in the downtown district because these uses are an integral component of the downtown area and their establishment will assist in meeting the goal of supporting a mix of uses in the downtown district, as well as expanding opportunities for the arts community.

To compare the uses permitted in the C-D, C-T, and I-1 districts, staff prepared a matrix comparing the existing and proposed uses permitted by right and by special use permit in the C-D, C-T and I-1 zoning districts. (See attachment 7)

Good zoning practice dictates that the properties noted in these two downtown areas, be rezoned to the C-D zoning designation to meet goals and policies of the Comprehensive Plan, the Jumpstart Plan, the Arts and Cultural District as well as the Downtown/Princess Anne St. Tourism and Technology Zone ordinances.

2. Adequate public facilities are available, will be provided by the City, or the applicant has voluntarily proffered to provide those public facilities;

All of the required public improvements, such as water, sanitary sewer, storm sewer and roads are in place. If additional improvements are needed or required, then they will be evaluated on a case by case basis as it relates to the redevelopment of a property.

3. Is in conformance with the City’s adopted Comprehensive Plan.

The future land use map contained within the Comprehensive Plan places these properties in Land Use Planning Area 6: Downtown Neighborhoods.

The Plan does not provide specific language for the properties in the Caroline Street block, but the rezoning of the properties will assist in protecting the historic aspects of the downtown business district, while accommodating growth through adoptive reuse of existing buildings and appropriate construction on infill site.

There are sections of the Plan that are applicable to this action, and they include:

Downtown Goals:

Goal 2:

The downtown area will continue to serve as a center of commerce, culture, and community, government, courts, and the post office, and will increasingly generate revenues to ensure the economic stability and longevity of the City.

Goal 4:

Downtown will include a well balanced mix of businesses, residences, services, arts, recreational and historical assets, and include government services, including courts, city offices, and postal services.

Downtown Policies:

2. Encourage development of “destination” activates and unique uses downtown.

12. Work cooperatively with Fredericksburg’s art community to develop additional arts and entertainment offerings downtown, and to establish Fredericksburg as a regional center for the arts.

13. Encourage and support development of arts events and festivals.

15. Encourage development of additional venues for performing and visual arts.

The Comprehensive Plan describes the Jackson St/Kenmore Avenue area in the following manner:

The properties are located within Land Use Planning Area 6: Downtown Neighborhoods. It is specifically located within the old warehouse district and is described as follows in the Plan:

Warehouse District	Reconstruction and Growth (1865-1917); World War I to World War II (1917-1945)	Collection of warehouses and industrial buildings	Private
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Warehouse District

For planning purposes, the Jackson Street/Kenmore Avenue area has been called the Warehouse District. This collection of early twentieth century industrial structures is experiencing an increase of activity, although some non-conforming uses and unsightly outdoor storage persists. Several warehouses have been renovated and adaptively reused and a new office building constructed for the Rappahannock Area Community Services Board. This positive pattern should be encouraged. The JumpStart! Report emphasizes the opportunities for mixed uses.

The Land Use Potential section describes this planning area as follows: Although it is not particular to one property, the land use potential section describes the area as a whole and notes the infill opportunities within this area of the City.

Fredericksburg is a City of attractive and accessible neighborhoods and every effort should be made to continue this pattern of growth and development. Neighborhood conservation has become a comprehensive City policy to address housing conditions, infrastructure, crime prevention, and maintenance of community character. Maintaining the integrity of the Historic District and implementation of mixed use zoning has also resulted in an active downtown. Opportunities for infill development, redevelopment, and rehabilitation will continue to occur.

Recommendations for Planning Area 6 applicable to this application:

1. Work with property owners to redevelop selected sites without adversely impacting residential neighborhoods.
2. Support redevelopment within the Warehouse District that respects the historic structures.

Jumpstart Plan:

The Warehouse District and Train Station District areas are highlighted in the Jumpstart Plan and are described below.

The Warehouse District is envisioned as a mixed use community of predominantly residential uses with ground level retail. Artist studios are appropriate on both lower and upper floors. Small scale office uses area also appropriate on the upper levels.

The Train Station District is envisioned as a pedestrian oriented community and employment center with free standing retail and structured parking interspersed. Public gardens are envisioned between Sophia and Caroline and adjacent to Prince Edward Street, and small retail will be tucked under the Amtrak station.

While the staff memo provides the background and framework for this rezoning, Richard Tremblay, Assistant Director for Economic Development and Tourism, additionally notes that the rezoning will:

- Strengthen the vitality and sustainability of the downtown area by expanding its effective boundary for allowable land uses (mixed use buildings, multi-family residential, array of retail and service businesses and structured parking).
- Implement the Jumpstart! Vision for Downtown by providing for the applicable intensity of development and mix of uses.
- Implement the vision of the Arts and Cultural District by allowing the targeted uses throughout the district.
- Facilitate the renovation of historic buildings by allowing economic uses.
- Expand the effective reach of the Downtown Tourism Zone business development program.

Effect on Real Estate Assessments of Rezoning from C-T and I-1 to C-D

Mr. Tremblay discussed with the City's independent real estate assessor what effect a change in zoning would have on real estate assessments on land being rezoned to C-D. The answer is there is no automatic change. The proposed change is not from residential to commercial, but rather from one class of commercial to another. Commercial assessments are based principally on location characteristics, building characteristics and market sales prices.

C-D zoning does allow for potentially higher value property redevelopment utilization than under C-T or I-1 zoning. For example, the maximum floor area ratio for C-T and I-1 is 0.5 compared to 3.0 for C-D, thus allowing for considerably more density when redevelopment occurs. Another difference is the allowable multi-family density, which is 8 per acre for C-T compared to 12 per acre in C-D, a 50% increase. As property redevelopment occurs in the subject neighborhoods under C-D zoning, the resulting rise in property assessments could potentially be greater than what could occur under current C-T or I-1 zoning.

Staff made comparisons of similar type property land assessments in the Kenmore Avenue and Lafayette Boulevard corridors zoned C-T and I-1 versus C-D. One example is the vacant Union Bank site at 700 Kenmore Avenue, zoned C-T compared to the First Market Bank site just up the road at 725 Kenmore Avenue, zoned C-D. The land assessment for both properties is the same at \$40 per square foot. Another comparison is the Roxbury Mills property at 601-607 Lafayette Boulevard, zoned I-1 with a land assessment of \$25 per square foot versus the Lafayette Technology Center property at 315 Lafayette Boulevard, zoned C-D, which has a \$35 per square foot land assessment. Proximity to the train station and to Caroline Street largely explains the difference in these two land assessments, not the difference in zoning.

Finally, land assessments were reviewed for a sample of properties in the 1000 block of Caroline Street, zoned C-D, compared to a sample of commercial properties in the 1100 block of Caroline Street, which is zoned C-T. The difference is appreciable, with parcels in the 1000 block of Caroline Street averaging around \$65 per square foot compared to \$40 per square foot on average in the 1100 block, now zoned C-T. This difference is attributable principally to location, as Amelia Street has historically been a dividing line in the volume of retail foot traffic. It is hard to argue that the zoning is the root of this difference in land assessments.

STAFF RECOMMENDATION:

Staff recommends approval of the rezoning application excluding the three City owned properties adjacent to the train station. If and when these properties are developed, they will most likely be developed by a private sector developer, and the sale of the land and the zoning can be addressed at that time. The development of the Marriott Hotel on Charlotte Street followed a similar process.

ATTACHMENTS:

1. Ordinance
2. Rezoning Map
3. Bulk Regulations Matrix
4. Matrix Comparing Development Potential
5. Arts and Cultural District Map
6. Tourism Zone Map
7. Matrix Comparing Uses in Zoning Districts
8. Exhibit of Properties Included in the Rezoning
9. Planning Commission Minutes



MOTION:

**September 11, 2012
Regular Meeting
Ordinance No. 12-23**

SECOND:

RE: AMENDING THE OFFICIAL ZONING MAP TO CHANGE THE DESIGNATION OF THE FOLLOWING PROPERTIES FROM C-T COMMERCIAL TRANSITIONAL AND R-8 RESIDENTIAL TO C-D COMMERCIAL DOWNTOWN: 403 SOPHIA STREET, 401 SOPHIA STREET, 401 PRINCESS ANNE STREET, 411 PRINCESS ANNE STREET, 400 PRINCESS ANNE STREET, 404 PRINCESS ANNE STREET, 406 PRINCESS ANNE STREET, TAX MAP #60P5 (NO ADDRESS), 405 CHARLES STREET, 401 CHARLES STREET, 306-312 FREDERICK STREET, 311-313 CHARLES STREET, 309 CHARLES STREET, 307 CHARLES STREET, 318 CHARLES STREET, AND 316 CHARLES STREET.

ACTION:

FIRST READ: September 11, 2012 SECOND READ: _____

SEC. I. Introduction

The City Council initiated this amendment to the Official Zoning Map by adoption of Resolution 10-102 on November 23, 2010, which proposed the rezoning of a 6 block area bounded by Lafayette, Sophia, Frederick, Jackson and Kenmore from CT Commercial Transitional to CD Commercial Downtown, for the reasons stated therein. City Council received the recommendation of the Planning Commission and conducted a public hearing on February 28, 2012 at which time it considered public comment expressing reservations regarding the proposed rezoning of the area surrounding the train station, which is near the Darbytown neighborhood. Council proceeded to adopt Ordinance 12-14, which expanded the Commercial Downtown zoning district to other areas, but not the train station vicinity. Instead, the City Council initiated certain amendments to the RSO, Railroad Station Overlay District, in order to address the concerns expressed at the February 28, 2012 public hearing.

The proposed amendments to the RSO Railroad Station Overlay District were duly considered by the Planning Commission, which initiated additional Official Zoning Map amendments in the train station vicinity by motion adopted on January 11, 2012. The City Council received the Planning Commission recommendation on the RSO amendments and on the proposed rezoning of the additional properties, and conducted a public hearing on September 11, 2012, on the Official Zoning Map amendment, including the properties first proposed for rezoning in Resolution 10-102 and the additional properties proposed by the Planning Commission.

In taking this action, the Planning Commission and City Council considered the purposes of zoning ordinances, set forth in Virginia Code §15.2-2283, and the matters to be considered in drawing and applying zoning districts, set forth in Virginia Code §15.2-2284. The City Council

has determined that public necessity, convenience, general welfare and good zoning practice favor the requested rezoning.

SEC. II. Zoning Map Amendment

The Official Zoning Map of the City of Fredericksburg, Virginia, is hereby amended by changing the zoning of the following properties from C-T, Commercial Transitional, or R-8, Residential, to C-D, Commercial Downtown. These properties are designated as Transitional/Office, General Commercial and Low Density Residential on the Future Land Use Map contained within the 2007 Comprehensive Plan. This amendment expands the C-D zoning district boundary to an area south of the current district, as shown on a Map of Zoning Detail (South) dated September 11, 2012.

- | | |
|-------------------------------|-------------------|
| 1. 401 Sophia Street, | GPIN#7789-23-9418 |
| 2. 403 Sophia Street, | GPIN#7789-23-8568 |
| 3. 401 Princess Anne Street, | GPIN#7789-23-2199 |
| 4. 411 Princess Anne Street, | GPIN#7789-23-2233 |
| 5. 400 Princess Anne Street, | GPIN#7789-23-1019 |
| 6. 404 Princess Anne Street, | GPIN#7789-23-1153 |
| 7. 406 Princess Anne Street, | GPIN#7789-23-1107 |
| 8. Tax Map 60-P5 (no address) | GPIN#7789-23-1223 |
| 9. 405 Charles Street | GPIN#7789-13-9170 |
| 10. 401 Charles Street | GPIN#7789-23-0003 |
| 11. 306-312 Frederick Street | GPIN#7789-22-1954 |
| 12. 311-313 Charles Street | GPIN#7789-22-0891 |
| 13. 309 Charles Street | GPIN#7789-22-1738 |
| 14. 307 Charles Street | GPIN#7789-22-1735 |
| 15. 318 Charles Street | GPIN#7789-12-8882 |
| 16. 316 Charles Street | GPIN#7789-12-9718 |

SEC. III. Effective Date.

This Ordinance shall be effective immediately.

Approved as to form:

Kathleen Dooley, City Attorney

Clerk's Certificate

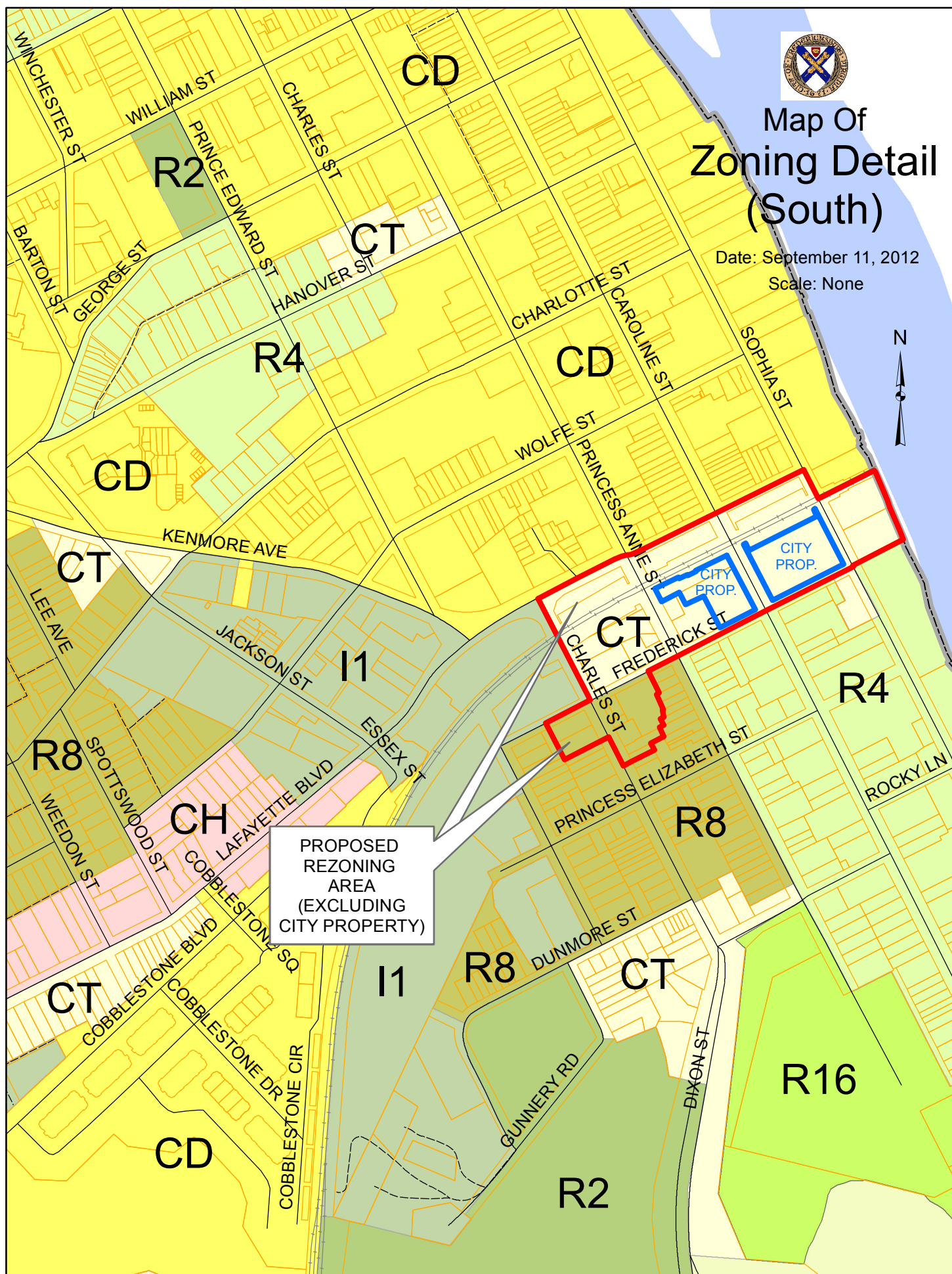
I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 12-23 duly adopted at the City Council meeting held _____, 2012, at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council



Map Of Zoning Detail (South)

Date: September 11, 2012
Scale: None



BULK REGULATIONS MATRIX

	C-D, Commercial Downtown	R-8 Residential	Railroad Station Overlay District
Lot Area	Not Regulated	SFD 5,000 sq. ft. SFA 1,600 sq. ft.	Not Regulated
Lot Width	Not Regulated	50 ft.	Not Regulated
Building Height	Maximum 50 ft.	SFA&D 35 ft. Others 30 ft.	40 ft. proposed
Setbacks:			
Front	Conform with adjacent lots	See below ¹ .	Conform with adjacent lots
Side	15 ft. adjacent to residential district	See below ¹ .	15 ft. adjacent to residential district
Rear	25 ft. adjacent to residential district	See below ¹ .	25 ft. adjacent to residential district
Floor Area Ratio	Maximum 3.0	.35	3.0
Open Space	Minimum 15%	25%	15%

¹Using infill regulations will permit this setback to be reduced so as to be in conformance with other structures on the block.

Single-family detached dwellings:

1. Front yard, 25 feet¹.
2. Side yard, eight feet¹.
3. Rear yard, 25 feet¹.

Single-Family attached dwellings:

1. Front yard, 12 feet¹.
2. Side yard, 15 feet¹.
3. Rear yard, 25 feet¹.

SFD = Single Family Detached

SFA = Single Family Attached

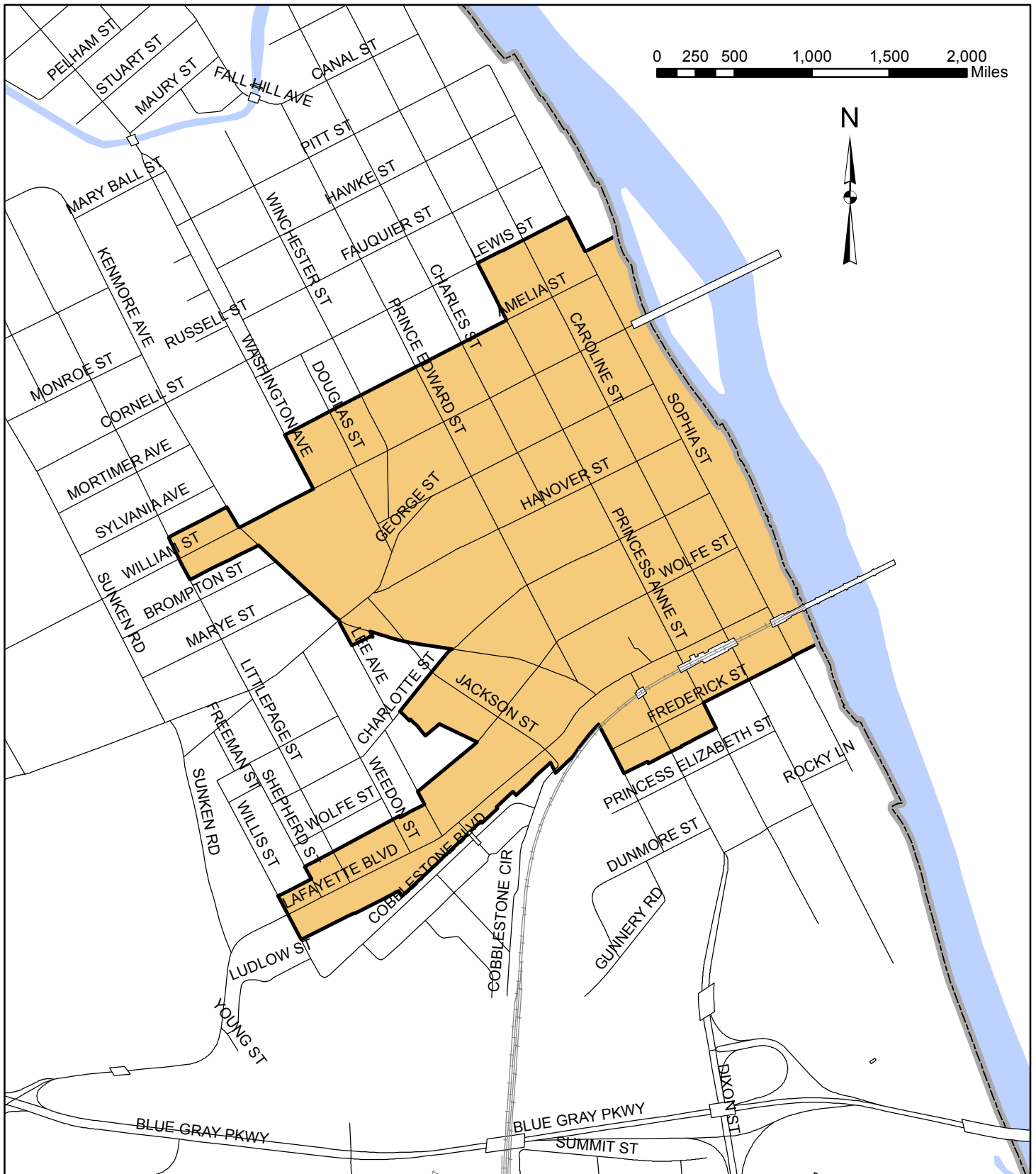
All other Structures:

1. Front yard, 25 feet¹.
2. Side yard, ten feet¹.
3. Rear yard, 25 feet¹.

DEVELOPMENT POTENTIAL MATRIX

ADDRESS	BULK REGULATIONS	C-D, COMMERCIAL DOWNTOWN	R-8 RESIDENTIAL	C-T COMMERCIAL TRANSITIONAL
316-318 Charles Street	Floor Area Ratio ¹ Open Space Height ²	47,046 Gross Floor Area 2,352 Sq. Ft. 40'	N/A	7,841 Gross Floor Area 4,704 Sq. Ft. 40'
306-312 Frederick Street	Floor Area Ratio ¹ Open Space Height ²	57,186 Gross Floor Area 2,940 Sq. Ft. 40'	6,861 Gross Floor Area 4,900 Sq. Ft. 35'	N/A

1. Gross Floor Area will be reduced to accommodate required Parking & Setbacks
2. Reduced to 40' in the Railroad Overlay District



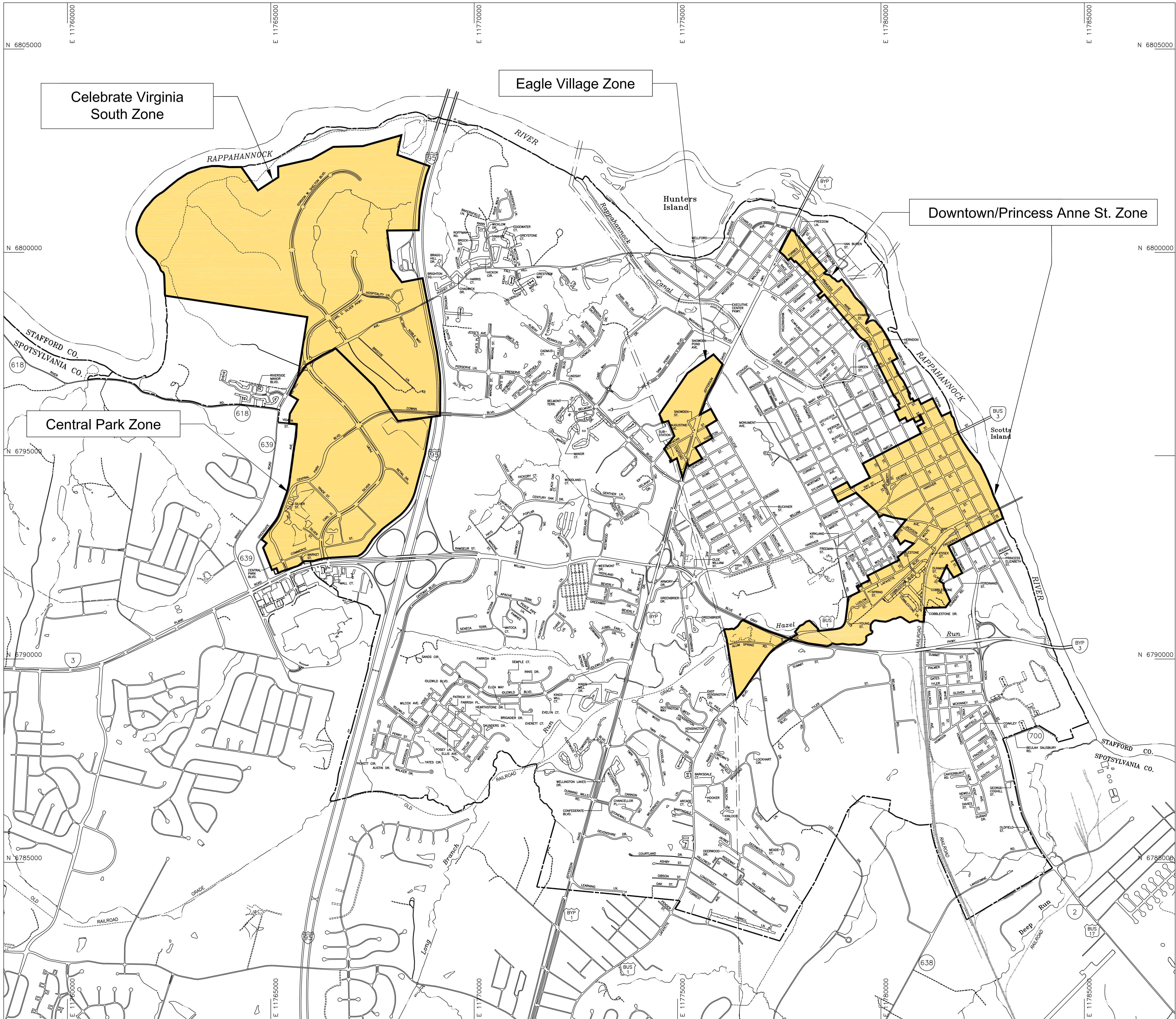
Legend:



Arts & Cultural District

City of Fredericksburg, VA Arts & Cultural District

Date: December 7, 2010



CITY OF FREDERICKSBURG VIRGINIA

Map Of Tourism Zones

LEGEND:

Tourism Zones

NOTES:
Tourism Zones Approved By City Council Ordinance
Nos. 10-31, 10-32, 10-33 (October 26, 2010)

LEGEND:

ROADS	=====
DRIVES	-----
TRAILS	-----
RAILROAD	-----
BRIDGES	=====
DAMS	=====
RIVER	=====
STREAMS/PONDS	=====
POWER LINES	=====

	INTERSTATE HIGHWAY		VA. PRIMARY HIGHWAY
	U.S. HIGHWAY		VA. SECONDARY HIGHWAY

Original Base Created June 1996 (MSAG Data Consultants)
Streets Revised May 2009 (City Graphics Department)

SCALE: 1" = 1000'

0 1/4 1/2 1 Mile

1000 0 1000 2000 3000 4000 FT

Comparison Use Matrix

	By Right			SUP		
	C-T	I-1	C-D	C-T	I-1	C-D
Accessory structures						Yes
Artist studio		Yes	Yes			
Arts Center and Related Facilities	Yes		Yes			
Beauty shops and barbershops	Yes					
Bed and breakfast lodging	Yes					Yes
Branch governmental offices and substations					Yes	
Bus stations				Yes		
Cemetery						Yes
Child care centers				Yes		Yes
Churches, chapels, synagogues, temples & other places of worship	Yes		Yes			
Colleges and universities and trade schools				Yes	Yes	
Community rehabilitation facilities		Yes				
Conference centers				Yes	Yes	
Data storage & distribution facilities		Yes				
Dry cleaning and associated laundering (excluding some uses)				Yes		
Eating establishments (excluding some uses)			Yes	Yes	Yes	
Establishments for scientific research and development		Yes		Yes		
Financial institutions, w/out drive-in	Yes	Yes	Yes			
Financial institutions, including drive-in banks				Yes	Yes	Yes
Fire stations				Yes		Yes
Funeral homes				Yes		Yes
Government centers						Yes
Health/club fitness center	Yes				Yes	Yes
Heavy public utility uses					Yes	

Comparison Use Matrix

	By Right			SUP		
	C-T	I-1	C-D	C-T	I-1	C-D
Hospitals and medical care facilities				Yes		
Hotels and motels					Yes	Yes
Institutional housing				Yes	Yes	
Interior decorating, reupholstering (excluding some uses)				Yes		
Libraries				Yes		Yes
Light Industry		Yes				Yes
Light public utility uses		Yes				
Light warehousing w/o outdoor storage		Yes				Yes
Light wholesale trade establishments w/o outdoor storage		Yes				
Mixture of dwelling types			Yes			
Multi-family			Yes			
Museums	Yes					Yes
Nursery schools				Yes		
Offices	Yes	Yes	Yes			
Open Air Market			Yes			
Parking garages					Yes	Yes
Parking lots, commercial, off-street, as a principal use				Yes		Yes
Personal service establishments			Yes		Yes	
Pet grooming establishments (w/out overnight boarding)				Yes		
Police stations				Yes		Yes
Post offices				Yes		Yes
Private clubs						Yes
Private schools and related uses				Yes		Yes
Private training & vocational schools		Yes		Yes		
Public or quasi-public uses (under some circumstances)					Yes	

Comparison Use Matrix

	By Right			SUP		
	C-T	I-1	C-D	C-T	I-1	C-D
Public schools, parks & playgrounds			Yes	Yes	Yes	
Quick service food stores						Yes
Repair service establishments	Yes		Yes			
Residential dwellings as a principal use	Yes		Yes			
Residential dwellings in a commercial building	Yes		Yes		Yes	
Retail sales			Yes	Yes		
Self-serve gas stations (excluding some uses)						Yes
Service stations					Yes	
Shoe cleaning and repair shops	Yes					
Single-family attached			Yes			
Single-family detached			Yes			
Tailors and dressmaking shops	Yes					
Telecommunications exchanges & switching stations		Yes		Yes		
Theaters					Yes	Yes
Train and other passenger stations (w/limitations)						Yes
Veterinary clinics				Yes	Yes	

**RAILROAD STATION OVERLAY DISTRICT
LIST OF PARCELS
REZONING TO COMMERCIAL-DOWNTOWN**

ADDRESS	TAX MAP#	GPIN#	PREVIOUS ZONING
403 Sophia St.	8-403	7789-23-8568	C-T
401 Sophia St.	8-401	7789-23-9418	C-T
401 Princess Anne St.	48-409	7789-23-2199	C-T
411 Princess Anne St.	48-415	7789-23-2233	C-T
400 Princess Anne St.	60-400	7789-23-1019	C-T
404 Princess Anne St.	60-404	7789-23-1153	C-T
406 Princess Anne St.	60-406	7789-23-1107	C-T
Princess Anne St.	60-P5	7789-23-1223	C-T
405 Charles St.	60-405	7789-13-9170	C-T
401 Charles St.	60-401	7789-23-0003	C-T
306-312 Frederick St.	59-306F	7789-22-1954	R-8
311-313 Charles St.	59-313	7789-22-0891	R-8
309 Charles St.	59-309	7789-22-1738	R-8
307 Charles St.	59-307	7789-22-1735	R-8
318 Charles St.	88-318	7789-12-8882	R-8
316 Charles St.	88-316	7789-12-9718	R-8



PLANNING COMMISSION

MINUTES

August 8, 2012

7:30 P.M.

CITY OF FREDERICKSBURG
715 PRINCESS ANNE STREET
COUNCIL CHAMBERS

COMMISSION MEMBERS

Dr. Roy Gratz, Chair
Berkley Mitchell, Vice-Chair, Absent
Edward Whelan, III, Secretary
Susan Spears, Absent
Shawn Lawrence, Absent
Roy McAfee
Joanne Kaiman

CITY STAFF

Raymond P. Ocel, Jr., Director
Robert K. Antozzi, Director PR&PF

1. CALL TO ORDER

The August 8, 2012, Planning Commission meeting was called to order at 7:30 p.m. by Chairman Roy Gratz.

2. PLEDGE OF ALLEGIANCE

3. ADOPTION OF MINUTES

- o July 25, 2012 (Regular Session) – Adopted/Approved as submitted.

PUBLIC HEARING

Dr. Gratz noted that Item 12, which was originally listed under "Other Business" on the agenda, would be combined with Items 4 and 5 for discussion purposes since they are related to one another. At the July 11, 2012 Planning Commission meeting, the public hearing was left open on Item #12, in order to allow staff to advertise Items 4 and 5 for public hearing and then to consider the three applications all at one time.

4. **ZOTA2012-03:** Zoning Ordinance Text Amendment - Request to amend the boundaries of the railroad station overlay district to include 307, 309, 311, and 313 Charles Street, by amending the official zoning map and City Code Chapter 78, "Zoning, Planning and Development," Article III, "Zoning," Section 78-790.
5. **RZ2012-02:** A City initiated request to rezone the following properties from R-8, Residential, to C-D, Commercial Downtown: 307, 309, 311 and 313 Charles Street.

These properties are designated as Transitional/Office on the Future Land Use Map contained within the 2007 Comprehensive Plan.

12. ZOTA2012-02: Zoning Ordinance Text Amendment - Request to amend the boundaries of the railroad station overlay district to include 306-312 Frederick Street, 316 Charles Street, and 318 Charles Street, reducing the maximum height by right to 40 feet, subject to increase up to 50 feet by special use permit and deleting a requirement for a special use permit for new curb cuts, by amending the official zoning map and City Code Chapter 78, "Zoning, Planning and Development," Article III, "Zoning," Sections 78-790, 78-793, and 78-795.

Mr. Ocel presented the applications.

Commissioners did not have questions for Staff.

Dr. Gratz called for public comment.

Ms. JoAnn Obaugh, 936 South George Mason Drive, Arlington, VA 22204 – owner of 314 and 316 Frederick Street, spoke in opposition to the rezoning requests. She said to rezone the subject properties would put her property in isolation and that her property would then become the only residential property in the subject area. She said her property contains HFFI easements and probably would prevent she and her husband from ever being able to rezone their property to commercial in the future. She asked the Planning Commission to deny the request.

Ms. Susan Pates, 2010 Fall Hill Avenue (listing agent for the properties on Charles and Frederick Streets) said these properties have become an eyesore over the past years and that clients are not looking at them because of their residential status. She said the best use for these properties would be Commercial or a Mixed use. She said she was in favor of the proposed rezonings and text amendments.

Ms. Leah Watson 401/403 Sophia Street, said she was in support of the rezoning requests and indicated that rezoning the properties would make it easier to restore them.

There was no further comment from the public.

Dr. Gratz closed the public hearing on these items and asked Commissioners if they were prepared to make a recommendation. The three items were voted on separately.

Mr. McAfee made a motion to recommend approval of ZOTA2012-03- Zoning Ordinance Text Amendment - Request to amend the boundaries of the railroad station overlay district to include 307, 309, 311, and 313 Charles Street, by amending the official zoning map and City Code Chapter 78, "Zoning, Planning and Development," Article III, "Zoning," Section 78-790.

Mr. Whelan seconded the motion.

Motion carried unanimously by a vote of 4 – 0.

Mr. McAfee made a motion to recommend approval of RZ2012-02 - A City initiated request to rezone the following properties from R-8, Residential, to C-D, Commercial Downtown: 307, 309, 311 and 313 Charles Street. These properties are designated as Transitional/Office on the Future Land Use Map contained within the 2007 Comprehensive Plan.

Ms. Kaiman seconded the motion.

Motion carried unanimously by a vote of 4 – 0.

Mr. McAfee made a motion to recommend approval of ZOTA2012-02: Zoning Ordinance Text Amendment - Request to amend the boundaries of the railroad station overlay district to include 306-312 Frederick Street, 316 Charles Street, and 318 Charles Street, reducing the maximum height by right to 40 feet, subject to increase up to 50 feet by special use permit and deleting a requirement for a special use permit for new curb cuts, by amending the official zoning map and City Code Chapter 78, "Zoning, Planning and Development," Article III, "Zoning," Sections 78-790, 78-793, and 78-795

Mr. Whelan seconded the motion.

Motion carried unanimously by a vote of 4 – 0.

6. **SUP2004-02 (Renewal):** New City Fellowship Church-Special Use Permit extension request to continue to make available a portion of the Church parking lot for VRE parking for 13 additional years. The property is addressed as 200, 304-308 Prince Edward Street and is zoned I-1, Light Intensity Industrial. The property is designated as Light Research and Development on the Future Land Use Map contained within the 2007 Comprehensive Plan.

Mr. Ocel presented the application. He noted that although the application states the request for an extension of 10 years. He said Mr. Becker has since asked that the extension be for 13 years, which is when his contract with VRE expires.

Mr. Bob Becker, applicant, asked for a favorable recommendation to his request.

There was not public comment on this item.

Mr. Whelan made a motion to recommend approval of the extension to SUP2004-02, with the conditions outlined by staff and that the extension be granted for 13 years.

Ms. Kaiman seconded the motion.

Motion carried unanimously by a vote of 4 – 0

Dr. Gratz noted that items 7 through 11, would be discussed together since they all relate to the Courthouse project.

7. **SUP2012-05 City of Fredericksburg.** This is a special use permit request to construct a new court building at the intersection of Princess Anne Street and Charlotte Street (TM 42-705 and TM 42-707). The new court building will face Princess Anne Street. The properties are zoned C-D, Commercial Downtown and are designated as "Downtown" on the Future Land Use Map contained within the 2007 Comprehensive Plan.
8. **SUP2012-06 City of Fredericksburg.** This is a special use permit request for a new motor vehicle curb cut for access to the basement of the proposed new court building. The proposed new motor vehicle curb cut will be located on TM 42-705, on Charlotte Street near its intersection with Princess Anne Street. The property is zoned C-D, Commercial Downtown, and is designated as "Downtown" on the Future Land Use Map contained within the 2007 Comprehensive Plan.
9. **SE2012-02 City of Fredericksburg.** This is a special exception request to use existing off-site parking resources in lieu of providing parking on site for the proposed new court building at the intersection of Princess Anne Street and Charlotte Street (TM 42-705 and TM 42-707). The properties are zoned C-D, Commercial Downtown and are designated as "Downtown" on the Future Land Use Map contained within the 2007 Comprehensive Plan.

10. SE2012-03 City of Fredericksburg. This is a special exception request to construct the new court building with a floor area ratio of approximately 3.5 in lieu of the maximum floor area ratio of 3.0 in the C-D, Commercial Downtown district. The new court building is proposed to be constructed at the intersection of Princess Anne Street and Charlotte Street (TM 42-705 and TM 42-707). The properties are zoned C-D, Commercial Downtown and are designated as "Downtown" on the Future Land Use Map contained within the 2007 Comprehensive Plan.

11. SE2012-04 City of Fredericksburg. This is a special exception request to construct the new court building that reaches a maximum height of approximately 57 feet in lieu of the 50 foot maximum height in the C-D, Commercial Downtown district. The new court building is proposed to be constructed at the intersection of Princess Anne Street and Charlotte Street (TM 42-705 and TM 42-707). The properties are zoned C-D, Commercial Downtown and are designated as "Downtown" on the Future Land Use Map contained within the 2007 Comprehensive Plan.

Mr. Ocel gave a brief overview of the applications. He noted that the ARB has approved the massing, scale, site planning and partially approved the architectural details of the proposed courthouse.

Mr. Whelan said that the height measurement does not include the copula.

Mr. Ocel said this is correct.

Ms. Kaiman said it appears that there are a lot of special use permit and special exception requests for one project. She asked if this is something that has happened before for a single project.

Mr. Ocel said the Courtyard Marriott downtown was similar. He also noted that if the UDO were currently in affect that there would be no need for 2 of the special use permit requests and would not come before the Commission.

Ms. Kaiman asked if there would be parking restrictions in front of the courthouse.

Mr. Ocel said the parking would be public parking and would consist of handicap parking as well.

Ms. Kaiman said she did not see anything relating to the Renwick Building in the applications.

Mr. Ocel said that the Renwick Building concept is being considered separately.

Dr. Robert Antozzi, Director of Parks, Recreation and Public Facilities, provided a brief overview of the project, its uses and layout. He noted that he had members of the First Choice team present to answer any questions Commissioners may have.

Ms. Kaiman asked if landscaping would be provided around the area that will contain the overhead retractable doors.

Jay Moore, Mosley Architects, member of the First Choice team, said there are street trees in that vicinity and that they flank either side of the door but that there is no foundation plan.

There was no public comment on items 7 – 11.

Dr. Gratz closed the public hearing on these items.

Mr. McAfee made a motion to recommend approval of SUP2012-05 - special use permit request to construct a new court building at the intersection of Princess Anne Street and Charlotte Street (TM 42-705 and TM 42-707). The new court building will face Princess Anne Street. The properties are zoned C-D, Commercial Downtown and are designated as "Downtown" on the Future Land Use Map contained within the 2007 Comprehensive Plan.

Mr. Whelan seconded the motion.

Motion carried unanimously by a vote of 4 - 0

Mr. Whelan recommended approval of SUP2012-06 - special use permit request for a new motor vehicle curb cut for access to the basement of the proposed new court building. The proposed new motor vehicle curb cut will be located on TM 42-705, on Charlotte Street near its intersection with Princess Anne Street. The property is zoned C-D, Commercial Downtown, and is designated as "Downtown" on the Future Land Use Map contained within the 2007 Comprehensive Plan.

Mr. McAfee seconded the motion.

Motion carried unanimously by a vote of 4 - 0

Ms. Kaiman recommended approval of SE2012-02 - special exception request to use existing off-site parking resources in lieu of providing parking on site for the proposed new court building at the intersection of Princess Anne Street and Charlotte Street (TM 42-705 and TM 42-707). The properties are zoned C-D, Commercial Downtown and are designated as "Downtown" on the Future Land Use Map contained within the 2007 Comprehensive Plan.

Mr. Whelan seconded the motion.

Motion carried unanimously by a vote of 4 - 0

Mr. McAfee made a motion to recommend approval of SE2012-03 - special exception request to construct the new court building with a floor area ratio of approximately 3.5 in lieu of the maximum floor area ratio of 3.0 in the C-D, Commercial Downtown district. The new court building is proposed to be constructed at the intersection of Princess Anne Street and Charlotte Street (TM 42-705 and TM 42-707). The properties are zoned C-D, Commercial Downtown and are designated as "Downtown" on the Future Land Use Map contained within the 2007 Comprehensive Plan.

Mr. Whelan seconded the motion.

Motion carried unanimously by a vote of 4 - 0

Mr. Whelan made a motion to recommend approval of SE2012-04 - special exception request to construct the new court building that reaches a maximum height of approximately 57 feet in lieu of the 50 foot maximum height in the C-D, Commercial Downtown district. The new court building is proposed to be constructed at the intersection of Princess Anne Street and Charlotte Street (TM 42-705 and TM 42-707). The properties are zoned C-D, Commercial Downtown and are designated as "Downtown" on the Future Land Use Map contained within the 2007 Comprehensive Plan.

Ms. Kaiman seconded the motion.

Motion carried unanimously by a vote of 4 - 0

UNFINISHED BUSINESS/ACTION ITEMS

Item #12 was moved up on the agenda.

OTHER BUSINESS

None

13. Planning Commissioner Comment

Mr. McAfee noted that Dr. Gratz had distributed a draft copy of a letter addressed to the City Manager, seeking compensation for Planning Commission members. He asked fellow Commissioners to review the document and contact Dr. Gratz with any questions or changes.

Dr. Gratz agreed that Commissioners review the document and provide him with any changes, etc., via e-mail. He added that he would like to find out what other jurisdictions pay to its Planning Commission members.

14. Planning Director Comment

Mr. Ocel noted that since all business was dispensed this evening that there would be no need for a regular meeting on August 29th. He said he would schedule a work session for August 29th at 4:00 p.m. in order to go over sections 6 – 9 of the UDO. He said he would like to schedule the UDO for public hearing at the Commission's September 11th meeting .

ADJOURNMENT

Meeting adjourned.

Dr. Roy Gratz, Chair